

**Senate Judiciary Committee | Senator Diane Larson - Chairman**  
**Testimony via Senate Bill 2029| January 13, 2025**

Chairman Larson & Members of the Senate Judiciary Committee, my name is Margo Haut, Founder and Co-Director of Guardian Angels, Inc., a nonprofit corporation located in Jamestown, ND. I also am a Member & the current President of the Guardianship Association of ND (GAND).

Members of GAND consist of professional guardians & family guardians. To provide guardianship services in ND, professional guardians must obtain the national certification per the Center of Guardianship Certification along with state certification via the Court. The Guardianship Association of ND has had a unique opportunity & professional relationship over this past decade working with the Courts in launching much needed legislation including Rule 59. This professional working relation continues today via SB 2029.

From GAND's perspective, the vision of drafting Senate Bill 2029 consisted of legislation that would create an oversight of professional guardians & reduce current waitlists. SB 2029 does not meet this expectation. Based on feedback from the Members of GAND, as President, I have great concern that the passing of SB 2029 will result in even fewer professional guardians in ND.

To reiterate, GAND respects that our current oversight is not the answer. Nor is Senate Bill 2029. As professional guardians, not only do we have a professional working relationship with the Courts, but we also answer to the Courts. GAND knows professional guardians need oversight, it's crucial that the oversight has a full understanding of what we do in our day-to-day work.

GAND requests consideration to slow down the timeline per the following:

- Members of GAND support the creation of the Office of Guardianship & Conservatorship with the suggestion that the PASS Program & funding via CCND remain active for the next biennium allowing time to establish the necessary systems, policies & procedures of the Office of Guardianship & Conservatorship. If feasible, it would be advantageous to designate a Pilot Program allowing GAND Members the opportunity to observe, participate and/or assist in establishing a successful transition to the Office of Guardianship & Conservatorship.

GAND respects the process of SB 2029 setting the structure with the specifics being addressed via its Rules. However, as it currently stands, GAND has more questions than answers:

- What are the contents or expectations of a “Contract”? | Pg 2 #8&9
- What’s the difference between a licensed guardian, public guardian and public administrator? | Referenced throughout SB 2029
- What are the contents & regulations of an “agency permit?” | Pg 3 #3-b
  - Is this different from the license mentioned?
  - How is this different from the requirements in Rule 59?
- Are individuals or professional guardianship agencies being sought to serve as guardians?
- Who will manage the referrals? | No Reference via SB 2029
- There is a cycle of money that is not clear:
  - What is the support fund? And what is the source of the private funds? Pg 3 #3-k
  - Under preferred claim, what would require the office to make a claim against the protected person’s estate? Pg 8 27-27.1-13.
  - What would require reimbursement? Pg 8 27-27.1-13.
- Budget refers to public guardians – is that licensed guardians? Pg 9 #30
  - Or is this the fall back for when no entity accepts cases?

GAND acknowledges there is a shortage of guardians in ND. Currently, SB 2029 is not designed to build-up and support this need. As President, I reiterate, this will have a direct impact as Professional Guardians across ND are watching and hoping that this Committee doesn’t rubberstamp SB 2029 but assesses what’s behind the paper...Professional Guardians serving thousands of Protected Persons, residents of our great state of ND!

Thank you for your time and consideration. I’d be happy to answer any questions.